

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	MDL No.1456
LITIGATION	)	
	)	Master File No. 01-CV-12257-PBS
	)	Subcategory Case No. 06-11337-PBS
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THIS DOCUMENT RELATES TO:	)	Judge Patti B. Saris
<i>United States of America ex rel. Ven-A-Care of</i>	)	
<i>the Florida Keys, Inc., et al. v. Boehringer</i>	)	Magistrate Judge Marianne B. Bowler
<i>Ingelheim Corporation, et al., Civil Action No.</i>	)	
07-10248-PBS	)	

**BOEHRINGER INGELHEIM CORPORATION'S  
AND BOEHRINGER INGELHEIM PHARMACEUTICALS INC.'S  
UNOPPOSED MOTION FOR ENLARGEMENT OF TIME**

Defendants Boehringer Ingelheim Corporation (“BIC”) and Boehringer Ingelheim Pharmaceuticals, Inc. (“BIPI”), respectfully file this assented to motion to enlarge the time to reply to (1) the United States’ Opposition to BIC’s and BIPI’s Motion for Summary Judgment, and (2) the United States’ Response to the Corrected BIC and BIPI Local Rule 56.1 Statement of Undisputed Material Facts in Support of Their Motion for Summary Judgment. BIC and BIPI request that the time to file their reply be enlarged one week to September 22, 2009. In support, BIC and BIPI state that:

1. Additional time is needed to adequately address the matters raised in the United States' opposition brief and response statement of facts due to the number and complexity of the issues raised. BIC and BIPI request leave to reply on or before September 22, 2009.

2. BIC's and BIPI's counsel has communicated with Jeff Fauci, counsel for Plaintiff, the United States of America, in this matter. Mr. Fauci has stated that the United States does not oppose BIC's and BIPI's request for additional time.

For the above reasons, BIC and BIPI respectfully request that this motion be granted, and that BIC's and BIPI's time to reply to the United States' Opposition to BIC's and BIPI's Motion for Summary Judgment, and the United States' Response to the Corrected BIC and BIPI Local Rule 56.1 Statement of Undisputed Material Facts in Support of Their Motion for Summary Judgment, be enlarged to September 22, 2009.

Dated: September 2, 2009

Respectfully submitted,

/s/ Eric T. Gortner  
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*On behalf of Defendants Boehringer Ingelheim  
Corp. and Boehringer Ingelheim  
Pharmaceuticals, Inc.*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on September 2, 2009, a copy to LexisNexis File and Serve for posting and notification to all parties.

By: /s/ Eric T. Gortner  
Eric. T. Gortner

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

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) MDL No.1456

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) Master File No. 01-CV-12257-PBS  
) Subcategory Case No. 06-11337-PBS

THIS DOCUMENT RELATES TO:

) Judge Patti B. Saris

*United States of America ex rel. Ven-A-Care of*  
*the Florida Keys, Inc., et al. v. Boehringer*  
*Ingelheim Corporation, et al.*, Civil Action No.  
07-10248-PBS

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)  
) Magistrate Judge Marianne B. Bowler

**ORDER**

Upon consideration of Boehringer Ingelheim Corporation's and Boehringer Ingelheim Pharmaceuticals Inc.'s Unopposed Motion For Enlargement of Time, it is hereby ORDERED THAT the motion is allowed and the Roxane Defendants shall have until September 22, 2009, to respond to:

- (1) United States' Opposition to BIC's and BIPI's Motion for Summary Judgment; and
- (2) United States' Response to the Corrected BIC and BIPI Local Rule 56.1 Statement of Undisputed Material Facts in Support of Their Motion for Summary Judgment

Dated: \_\_\_\_\_, 2009

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Honorable Patti B. Saris  
United States District Judge